

**Attachment to notice of Allowance**

1. Applicants' arguments of 2/18/2009 are acknowledged.

**Status of Claims**

2. Claims 1-16, 22, 26-27, 31-49, 69- 70, 91-98 are currently pending in this application. Claims 22, 26-27, 35-40 and 43-49 are under consideration. Claims 1-16, 31-34, 69-70 and 91-98 are withdrawn as being drawn to non-elected inventions.

**Rejections Withdrawn**

3. Rejections of claims 22, 26-27, 35-40 and 43-49 under 35 U.S.C. 103 (a) made in paragraph 9 of the office action mailed 11/24/2008 is withdrawn in view of applicants' arguments of 2/18/2009.
4. Rejections of claims 22, 26-27 and 43 under 35 U.S.C. 103 (a) made in paragraph 10 of the office action mailed 11/24/2008 is withdrawn in view of applicants' arguments of 2/18/2009.

**EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Wickman reg# 61242 and Alison Fuller.

Please cancel claims 1-16, 31-34, 69-70 and 91-98.

**Allowable Subject Matter**

6. The following is an examiner's statement of reasons for allowance:

Claims 22, 26, 27, 35-40 and 43-49 are allowed. Claims are renumbered 1-16. The claims are drawn to an isolated attenuated gram-negative *Salmonella* cell comprising the SPI2 gene locus, wherein at least one effector (*sse*) gene selected from the group consisting of *sseC*, *sseD* and *sseE* of the SPI2 locus is inactivated, wherein

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said inactivation results in an attenuation/reduction of virulence compared to the wild type of said cell.

The closest prior art Shea *et al.* (*Proc Natl. Acad. Sci. USA* 93: 2593-7, 1996) and Hensel *et al.* (*Molecular Microbiology* 24(1): 155-67, 1997) fail to teach or disclose the particular effector (*sse*) gene selected from the group consisting of *sseC*, *sseD* and *sseE* of the SPI2 locus.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khatol Shahnan-Shah whose telephone number is (571)-272-0863. The examiner can normally be reached on Monday-Friday 7:30 AM-5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert B. Mondesi can be reached on 571-272-0956.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Khatol S Shahnan-Shah/

Examiner, Art Unit 1645

June 05, 2009

/Robert B Mondesi/

Supervisory Patent Examiner, Art Unit 1645

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